

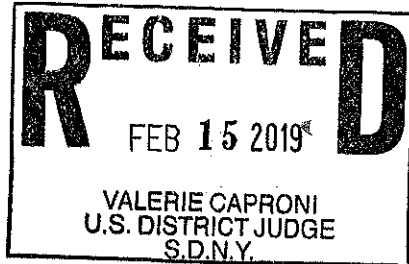
NGONO ANDRE MARIE

REG # 77244-054

D.RAY JAMES CF

P.O BOX 2000

FOLKSTON,GA 31537



USDC SDNY
DOCUMENT
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DOCKET # 17-CV-5517 (VEG)

HONORABLE VALERIE CAPRONI

UNITED STATES DISTRICT

COURT SOUTHER DISTRICT

COVER LETTER

Your Honor,

I am submitting my first amended Complaint on or before february 11,2019 as ordered by the court. In addition to my complaint I have attached the following documents:

- A motion requesting appoitment of a counsel to plaintiff.
- 4 pages administrative remedy responses
- 14 pages medical record from the bureau of prison health serv
ices clinical encounters
- 5 pages psychology services reports

RESPECTFULLY SUBMITTED

NGONO ANDRE MARIE

A handwritten signature in black ink, appearing to read "Andre Marie Ngoni".

Date: 02-09-2019

NGONO ANDRE MARIE
Plaintiff

v.

UNITED STATES OF AMERICA
Defendant

CIVIL ACTION DOCKET # 17-CV-5517 (VEC)

COMPLAINT

I. INTRODUCTION

1. Plaintiff Ngonno Andre Marie, I am the plaintiff at the D.RAY JAMES prison in the state of Georgia. I bring this civil action against the UNITED STATES OF AMERICA for the intentional tortious acts of its employees committed against me the plaintiff at the Metropolitan Correctional Center of New York.

II. THE PARTIES

A. PLAINTIFF

2. NGONO ANDRE MARIE, I am the plaintiff in this civil action . I was detained at the Metropolitan Correctional Center of New York from March 7, 2016 to August 5, 2017 during the proceedings of my criminal case. The incidents underlining this complaint occurred at MCC during the period mentioned above.

B. DEFENDANT

3. THE UNITED STATES OF AMERICA is the defendant in this civil action because THE UNITED STATES had agreed to be sued for certain actions of its employees when acting within the scope of their office or employment.

III. JURISDICTION AND VENUE

4. The district court has subject matter jurisdiction pursuant to 28 U.S.C.S. §§ 1346(b); 2671-2680 and 1331.

5. Venue is proper in this court pursuant to 28 U.S.C.S. §1391.

IV. NARRATIVE OF THE INCIDENTS

6. On march7,2017 following my arrest by the F.B.I, I was placed in pre-trial detention at the MCC in New York pending trial. While in MCC, I was put in a two men cell with inmate Carl Peter. The first night that I spent with Carl in the cell, he began to smoke an illegal drug known as k2. that same night, I told Carl that I was a non-smoker and that I did not want to be intoxicated with the toxic fumes of k2. On the second night Carl smoked again ignoring my serious health concerns. In the morning following the second night and while I was still asleep, Carl brought another inmate in the cell and they began to smoke k2. At the odor and the smell of K2, I woke up and asked Carl and his friend to go out of the cell to smoke. Carl refused to vacate the with and also refused to go smoke outside the cell. at his refusal, I went to the correctional officer on duty that ^{day} and I informed him of the situation of k2 being smoked in the cell by Carl Peter and his friend. I further asked to the correct officer to separate me from Carl in order to avoid the escalation of the situation. the correctional officer asked me to follow him to the cell where Carl and his friend were smoking k2.

7. When we arrived at the cell, Carl had already flushed the roll of k2 in the toilet. Carl and his friend were standing at the cell's door observing the officer ^{and} I as we entered the cell. The odor of k2 was still vivid in the cell and I asked the officer to smell for himself and he did smell k2 in the air. I further retrieved the equipment used by Carl to light up the k2 rolls in the cell and showed it to the correctional officer. The equipment consisted of two small batteries for prison's radios and a razor blade taken from the shaving razor provided by staffs at the MCC. After the correctional smelled and saw the

the equipment used by Carl to smoke k2 in the cell, he asked Carl and I to follow him in his office.

8. As I tried to follow the officer holding the evidence in my right hand, Carl grabbed me from behind and asked me to give him the evidence. I told Carl that the evidence were needed to show that he smoked in the cell, Carl then tackled me on the ground and during my fall I let go of the evidence and Carl's friend took it and disappeared. while I was on the ground, I called upon the correctional officer for help as Carl was manhandelling me. The officer simply looked behind and saw me on the ground but kept on going to his office. he later activated his body alarm and additional officers arrived at the scene. Carl and I were taken to the special housing unit where I was charged and sanctioned by the prison judge (see incident report on record).

9. In the special housing unit (SHU), I was housed with an inmate who also turn out to be a heavy k2 smoker and he received a large supply of k2 in the SHU. He smoked every night and for 7 days and nights I was exposed to the harmful toxic fumes of k2. I could not complain because I had no way to escape in case the inmate attacked me inside the cell and also because I was to get additional sanctions had the other inmate attacked me for complaining about him smoking in the cell. After 7 days, the smoker inmate was released to the general population. The next inmate that I was paired luckily turned out to be a non-smoker. I was released from the SHU after 47 days and I was sent to unit 7 south.

10. After the incident, Carl and his friend told other inmates that I had informed on them and that I was a "government informant". the news travel very fast in prison and soon the entire prison population at MCC knew that I had transgressed the unwritten inmate code of conduct and regulation that makes it a serious crime when an inmate informs on another inmate and provide information to correctional officer or any other staff member in prison. As a result of my committing "inmates' own prohibited act", I became inmates's enemy. I was bullied by other inmates, I was called "snitch", "rat", "hot", "GI" and I received death

threats from other inmates. they bullied me, they harassed me, they all wanted to fight me. Every time I went to the unit team and asked for help, every time I received the same answer that if I did not feel safe around other inmates in the unit, I should check myself in to the SHU for protection. this meant that I was to be kept in SHU for the entire duration of my pretrial proceedings. Because the risk of being exposed to the harmful and toxic fumes of k2 are very high in SHU than in general population units, I decided that I would not check myself into SHU.

11. Inmates at MCC continued to bully and harass me. my life in MCC became unbearable. I either had to commit suicide to end the ^{bullying}bullying and harassment or I had to stand up for myself irrespective of the consequences that I was to suffer. I decided to stand up for myself and fight for my life. I reorganized my daily schedules in order to avoid contact with other inmates as much as possible. I decided that I was to watch the news on T.V early in the morning in the gymnasium when it was usually empty.

12. In the morning of June 30, 2016 I went to the Gym to watch the news and inmate Lamar Lawrence was there exercising. I switched the T.V to CNN but inmate Lamar asked me to switch the T.V back to the previous channel. I did as Lamar asked me to do and I exited the gym. The following morning, I noticed that gym was completely empty so I went in to watch the news. I turned the T.V on to CNN and I began to watch the news. Few minutes later, Lamar came in and turned the T.V off. I told Lamar that I was watching the news. Inmate Lamar replied and said that the T.V in the gym was run by him and that he did not want me in the gym because I was a "government informant" and a "snitch". inmate Lamar then asked me to vacate the gym. I told Lamar that I was an inmate just like him and that I had every right to be in the gym and watch T.V as much as he did. I then went to turn the T.V back on and as soon as I turned the T.V on, inmate Lamar attacked and punched me two times on my face then pushed me on the gym's wall. I landed on the wall with my back, then I saw inmate Lamar advancing toward me with closed hand fist to punch me again. Because I had no way to escape, I decided to fight back and so I did. As I was fighting back in the gym, the correctional officer on duty activated his body alarm and additional officers arrived at the gym. Lamar and I were both taken to the special housing unit where I was charged and sanctioned by the prison judge (see incident report, also see DHO report on record).

The MCG prison SHU's policy dictates that inmates while in SHU are only allowed three showers per week. One day, I was scheduled for the shower and when the shower officer came to take me to the shower room, I was on the toilet stool and so the officer waited for me to finish with the toilet. Once I was done with the toilet I washed my hands and signaled to the officer that I was ready for the shower. The officer opened the small slot on the cell door and I inserted my hands to be handcuffed. the officer asked me to wash my hands and I told the officer that I had already washed my hands. the officer said that I should wash my hands for the second times because there were germs on my hands and that he did not want to touch such germs. I felt humiliated and I told the officer that there were no germs on me as he presented it. I then suggested to the officer that he could wear latex gloves if he did not want to touch me with his bare hands. at my suggestion, the officer became angry and stated that I was refusing to be taken to the shower room. I told the officer that I was not refusing to be taken to the shower room and that it was him the officer who was refusing to take me to the shower room.

13. The shower officer closed the slot and went on to take other inmates to the shower room. Once he was done with the other inmate the shower officer and the officer in charge (OIC) Scott came to my door . Scott asked me if I refused to take a shower and I told Scott that I did not refuse to take a shower. Scott then asked me if I wanted to take a shower and I told Scott that I wanted to take a shower. Scott then opened the door slot and I inserted my hands to be handcuffed. Once I was handcuffed OIC Scott opened the door and took me out of the cell. It is only then that Scott informed me that the shower officer had complained to him that I was disrespectful to him the shower officer and Scott stated that he was about to teach me a lesson because no inmate can disrespect his officer when he is the OIC. Scott then walked me onto the common area of the special housing

unit and toward the exit door. I asked Scott where he was taking me and he only asked me to keep walking. I stopped walking and asked again where he was taking me. at that point Scott lifted me up and off the ground and took me to a room in the special housing unit known as Guantanamo box or simply G-box.

14. The G-box was so named because it is a room where no camera was installed that can capture whatever happens behind the closed door of that room and this is the room where rogue officers torture inmates with no worry about a video recording of their wrongful acts. Once Scott took me inside the G-box, he slammed me on the concrete floor and I sustained injuries on my knees and ankles (see medical record in MCC custody). When Scott slammed me on the floor, he asked the shower officer to hold me down while he retrieved a belt. Scott whipped me with the belt. he hit me multiple times with hard hits and I sustained bruises and swollen on my back, feet and arms. When Scott stopped hitting me, he called additional officers and ordered them to hold me down in order to make it appear that he himself did not touch me. Scott then called the lieutenant and a camera lady to record the part that Scott wanted her to record. During the ordeal I suffered excruciating pain and emotional distress.

15. The Lieutenant took me back to the cell and Scott did not allow me to take a shower after that. He further instructed his officer not to give me a shower during my entire stay in the special housing unit. I complained to the warden about the situation and he simply walked away without answering or giving any response to my concerns. while in the SHU Scott continued to discriminate against me because I was from Africa, and he stated that he treated me the way he was treating me because that is how police officers in Africa treat people like me. Scott bragged to the other inmates that he whipped my ass and that he was born in a project in Brooklyn and that there was nothing an inmate can do to him.

Scott also called me a "motherfucker" in multiple occasions. Scott further instructed his officers never to give me the basics hygiene items such as toothpaste, toothbrush, soap, shaving razor and so no officer provided me with the basics items.

16. Sometime while in SHU I heard officer telling other inmates to clean their cell because the inspectors were coming. So I wrote on the wall facing the door so that the inspectors can read about my situation. I wrote on the wall and it read: Officers please do the job you are paid to do and do me no favors because I hate favors. The inspectors came and saw my writing. The warden also saw my writing and he even asked Scott if I was the one who wrote on the wall because the warden did not believe that I can write in English. I wrote the statement on the wall to inform the inspectors that I was not being provided with the basics in the SHU. I also wrote the statement because an officer told me that any thing they give me in the SHU was simply a favor that they were doing to me. I disagreed.

17. After the warden and the inspectors read my wall's statement and left the SHU, Scott became angry. Scott came to my door and opened the slot on the door and asked me to cuff up so that he can take me to G-box again and whupped my ass as he himself stated. I refused to insert my hands through the slot. Scott stated that I deserved to be whipped in G-box because I accused him and his officers to their superiors that they were not doing their job. I refused to go to G-box that day.

18. Scott told me that he would not give me food until I accept taking a trip to G-box. I refused to go to G-box and Scott did not feed me that day. The next day when the food officer refused to give me food, I wrote on a piece of paper and it read: if you cannot feed me, then you cannot see me. I then placed the note on the see through glass on the door. When Scott saw the

the note on the door , he opened the slot and asked me to insert my hands so that he can handcuff me. I refused to be handcuffed because he wanted to take me to G-box. At that time scott told me that he was going to take me to G-box by all means and that he was going to call the Lieutenant on duty to open the door so that he can take me to G-box by force.

19. After that, scott closed the slot and left. Few minutes later, scott sent Lieutenant Gonzalez as he had told me. Lt Gonzalez came to my cell , then he opened the slot and asked me to insert my hands for him to handcuff me. ^{told} Lt Gonzalez that I would not cuff up because scott wanted to take me to G-box to hit me with the belt. I also informed Lt gonzalez that I had not been fed for two days. Lt Gonzalez replied and said that I was not fed because I accused the officers to the warden and the inspectors.

19. Once Lt Gonzalez took the side of Scott, I requested to Gonzalez that I wanted to speak to the Captain so that he can address my concerns. Gonzalez told me that it was him lieutenant Gonzalez who was in charge of the special housing unit and not the Captain. Gonzalez said that he would not call the Captain and then he said that he was giving a direct order to cuff up. I told Gonzalez that I would never voluntarily agreed to be handcuffed so that scott can hit me with the belt in G-box. Lt Gonzalez said to me that he would remove me from the cell and turn me over to scott whether I agree or not. I told Lt that I would never agree. Lt then asked me if I was hundred percent sure that i did not want to cuff up and I responded in the affirmative. Lt Gonzalez then closed the slot and left. Once Gonzalez left I began to clean my cell because MCC prison is infested with rats and roaches to the point that a single day without cleaning the cell attracts a herd of mice and roaches. I splashed water on the floor and I began mopping the floor. While I was mopping the floor, a lady came to the door and stated that she was the prison's psychologist and tha she wanted to speak to me, so I stop mopping the floor. The lady then asked me why I had refused a direct order from Lieutenant Gonzalez and Scott. I explained

to the psychologist that Lieutenant Gonzalez and Scott wanted to take me to the G-box and that Scott in particular wanted to whip me with a belt. I also told the psychologist that I had not been fed for two days and that I was very hungry. I then asked her if there was a way she could get me food to eat. She told me that only the food officer could make that call and that she was not involved in the feeding operations. Next I asked the psychologist ^{if} she could call the Captain for me but she ignored my concerns and stated that I should just follow the direct orders given to me by Lt Gonzalez and Scott. she further told me that she was only there ^{to} diffuse the situation and avoid any confrontation. I explained to the lady that I was not confrontational and that I was only asking for food and basic hygiene items and that there was nothing confrontational about me asking for those basic things. the psychologist said to me that I should just follow and obey the direct orders and submit myself to be handcuffed. At that moment, I felt like the psychologist sounded more like a correctional officer than a psychologist. I realized that she was in fact a "correctional officer." I asked her about the type of psychology she was practicing because I could not believe that a normal psychologist would tell a person to voluntarily submit to a beating or corporal punishments. she told me the type of psychology she was practicing and her type of psychology had nothing to do with humanity. I then told her that skinner's type of psychology was better because skinner fed his subjects very well before giving them a task. When she heard the name skinner, she asked me if I wanted to hurt myself. I was not sure what connection was there between skinner and me wanting to hurt myself. nevertheless I told her that I did not want to hurt myself. Next she asked me if I wanted to hurt someone else and I again told her that I did not want to hurt someone else. The psychologist lady then asked me why I was being difficult. I told her that I was not being difficult to her. I also told her that I did not trust Scott because he once took me out of the cell by acting as if there were no problems and once I voluntarily submitted to handcuffs, Scott carried me by force to the G-box where he whipped me with a belt and inflicted me injuries. I further told the psychologist that I felt safe inside the cell because there were cameras inside the cell and on the hallway that can capture Scott's action in case he hit me with the belt again. I then excused myself and I told the psychologist lady that I was in the process of cleaning my cell ^{when} ~~went~~ she came and that I had already splashed water on the floor in order to mop and that the floor ~~was~~ completely wet. The psychologist left after I excused myself to mop the cell.

20. I was on the ground inside the cell mopping the floor when I heard people speaking

near the door. i pay no attention and continued to mop the cell. Few minutes later, they stoped talking and then I heard the noise from prison guards keys opening the slot. I turned to look if a tray of food was being inserted in the slot opening for me to for me to eat. instead ,Isaw guards through the opening dressed in combat uniforms. they wore cosmonautes like jumper suits with astronautes helmets on their heads, moon walk type of boots on their feets and heavy duty steel workers gloves on their hands. At that time, one guard inserted his hand through the slot opening. he was holding a canister topped with a cone shaped object. The guard then activated the canister and balls of orange gas exploded out of the cone shaped object on to my body. It is only then that I realized that I was being bombarded with a dangerous chemical weapon. the guard fired the chemical weapon directly on my face at a very close range of less than one foot. under panic, exteme fear of dying, and under extreme emotional distress, and under the painful effects of the corrosive toxic gases, I lost conciusness and fell flat on the wet floor that I was mopping. The corrosive and toxic gases penetrated my eyes, nose, ears and mouth causing redness and slwollen on the my sense organs. the toxic gases caused my eyes to teared excessively. the harmful and toxic gases has caused me an extreme physiologic disruption and mal-function. a big ~~dark~~ ^{dark} spot is now growing on my right eyes causing me accute blindness in my right eye and a chronic blindness of my left eye. my brain funtion has diminished due in part due to the corrosive effect of the toxic gases fired at me by a correctional officer at MCC. I was on the floor unconcious when the explosion of the chemical weapon rattled in the cell and i regained conciousness. I got up and grabbed something on the bed and placed it on the slot opening to prevent more balls of gases from coming inside the cell.

21. As I placed the object on the slot's opening and turned arround to relieve the burning and pain with water in the sink, another correctional officer forcefully thrust ed a long steel bar through the slot opening and hit me with the steel bar on the back of my left leg. the steel bar tore my flesh and opened a big wound on the back of my leg. at the hard hit, I fell again on the floor and lost conciousness. As I was laying on the floor unconcious, another correctional officer shot me multiple times with a rubber

cer tied me up, officer Saint John hit me with closed hand fist on my testicles and aggravated the testicular injuries that he had previously inflicted t me when he squeezeed and craked my testicles in the cell. At the hard hit on my testicles, I cried and screamed out loud and I told Lieutenant Gonzalez that he would be responsible for letting Saint John molest me in front of him. I further told Gonzalez that there was a camera in the medical room that had captured the Saint John act and that there were other cameras all over the the special housing unit that also captured the entire incident. Gonzalez replied and said that I would not get the video recordings of the incident because I was an alien with no rights in America. Gonzalez said that I would be deported before I could even ask for the cameras video recordings and that if I did ask for the recordings, they would not be provided to me. Gonzalez also made xenophobic comments about my national origin when he stated that stated that I was from Africa where people run naked among other wild animals.

25. After physician assistant Chito Evengelista concluded his made believe wound evaluation, he told Gonzalez that he was done with me. Chito Evengelista refused to examine my back, my neck and my testicles injuries despite me telling Chito I felt severe pain in those body parts. furthermore, Chito Evangelista refused to give me pain killer to alleviate my pain and suffering, despite the fact that I requested pain medication to Chito. I was in extreme pain due to the combine effects of all wounds and all traumas I suffered during the assaults. PA Chito Evengelista specifically told me that he would not discuss at treatment plan for my back, neck and testicles injuries injuries. Chito further stated that he would not start a treatment for my testicles, back and neck injuries because he only had two weeks left before retires from his job at MCC. Chito Evengelista was deliberately indifferent to my serious medical needs .

26. After Chito was done, Gonzalez ordered the four officers to carry me back to the cell. So I was carried back to the cell with no pain killer provided to me. I was in extreme pain. In the way back to the cell, the officers carrying me from the front intentionally dropped me on the concrete floor. Because my hands were tied behind my back with hand cuffs, I had no way of breaking the fall and so I landed on my face and I sustained two lacerations on my face and I suffered a severe concussion in addition to

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sustained head injuries. I sustained two big open wounds on my face, a brain concussion, swollen on the outside and swollen in the inside of my head. I also sustained multiple bruises, abrasions, lesions and scratches on my torso, neck, back, legs, arms, and toes (see medical record in BOP's file). After the intentional drop, the officers lifted me again and carried me to the cell where I was left in extreme physical and emotional distress. I called Gonzalez and the guards to at least get me pain-killer medicine but they ignored my call and paid no attention to me.

27. Minutes after I was locked in the cell, the nurse came to the cell's door to give me the bandages to cover my wounds. Once she saw the severity of the wounds on me she immediately returned to Chito the PA and pleaded with him to prescribe me appropriate treatment for my wounds. She requested that stitches be applied to most of my wounds but Chito refused to apply stitches and decided that only the most flagrant wounds that were on my face were to be glued and all other wounds were ignored. The nurse did as ordered by the PA, in addition she diligently inspected my body and disinfected all wounds that Chito did not even mention in the medical report. The nurse displayed sympathy and was the only one who was morally shocked by the severity and number of the wounds that were inflicted to me by other prison employees. She later gave me few bandages for self care and I now understand that she had already predicted that no further medical of my wounds was to be provided to me while I was in SHU under Gonzalez and Chito authority. I was covered with wounds to the extent that the bandages that the nurse gave me were not enough to cover all the wounds. After the nurse intervention, I did not see her thereafter and my wounds were not cared for for the rest of my stay in SHU of more than two months.

Chito provided me with no follow up, no wound care, no prescription for the injuries. Being left without medical care, my wounds began to form pus inside and smelled very bad to the point that the bad wounds' smell attracted a herd of mice and roaches in the cell that further made me sick.

28. For more than two months I was bed ridden and unable to stand without the support of the bed's foot or the sink in the cell. I was kept in the SHU for 89 days well beyond

the 30 days or so ordered by the DHO or the administrative judge. Every day I complained about the wounds, pain, back pain, neck pain and testicles pain and nothing was done because Scott refused to even transmit my complaint to the appropriate department.

29. After the attack, Assistant Warden Jane Doe gave firm instructions that no employees was to give me a pen, pencil or paper. OIC Scott placed a note on my cell door that instructed any staff not to give me pen, pencil or paper as per AW's order. Furthermore, a group of officers came to my cell to intimidate me and placed a yellow rubber band under the cell door in order to seal the small opening under the door so that no pen, paper or pencil could be thrown into the cell by other inmates in the SHU. AW Jane Doe effectively prevented me from getting access to writing material and so effectively prevented me from timely filing the administrative remedy with the appeal board of the North East region located in Philadelphia, Pennsylvania. She also prevented me from communicating with the outside world as I was to contact the district court judge of criminal case and inform him of the wounds inflicted to me by prison employees. Once my own immune system healed my external wounds and Gonzalez verified that the video recordings preinstalled throughout the facility have purged the recordings on the preset normal automated schedule, it is only then that I was released from SHU.

30. Once in general population unit, I realized that the unit team there was also instructed not to give me administrative remedy forms. For many times I tried to get the form from Miss Black but she refused. After month of trying on my own and failed, I paid another inmate to get the forms and so I completed my administrative remedy for my Bivens action and I submitted tort claim forms, one was answered and the other one has been pending for more than 6 months ^{which} ~~which~~ gives me the right to initiate the civil action as prescribed by the tort claim act provisions. I originally intended to pursue two actions against the federal employees who tortured me and inflicted me injuries. I originally intended to hold the United States responsible for the barbaric acts of its employees only for 10% of the claim

and I intended to hold the employees responsible for their own acts for 90% of the claims. However, after carefully reviewing the Supreme Court decision in Ziglar v. Abassi where the Supreme Court clearly stated that the only remedy that congress explicitly prescribed to compensate plaintiffs injured by federal employees acting within the scope of their office or employment falls under the Federal Tort Claim Act and not under the Bivens action. Therefore, I have decided not to pursue my Bivens claims which is consistent with the Supreme Court decision. As such, the United States is the only proper defendant, the United States alone is responsible for 100% of the compensatory money damages presented to the Federal Bureau Of Prison the agency under which these claims arose.

V. THE INJURIES

C. PHYSICAL INJURIES.

31. Paragraph 1 through 30 above are incorporated as if fully set forth herein.

32. From the attack orchestrated by OIC Scott and carried by Lieutenant Gonzalez and four correctional officers, I sustained multiple internal injuries and external physical injuries. The injuries listed below are not exhaustive and doctors may diagnose many more injuries during future evaluations, consultations or examinations once I am released from prison because I have lost confidence to doctors in prison and I can only trust these doctors just as an inmate convicted to death may trust the doctor who will inject the lethal drug. I have lost trust to prison medical professional after witnessing what PA Chito Even gelista did to me.

33. On my head, I sustained serious chemical burns on my scalp, face, right and left eye, nose, both right and left ears, both lips. I also sustained swollen, bruise, scratches and abrasions on my head. In addition, I sustained two big open wounds on my face, redness, one open wound on my scalp. I suffered loosening of front teeth, I suffered brain swollen and brain concussion. As a direct result of my head injuries and the head chemical burns, I sustained permanent face disfiguration with two big ugly scars with unpleasant face marks. I also suffered permanent skin loss, loss of blood vessels, nerves and lymphatic vessels. I also suffered permanent damage of head skin, permanent damage on eyes with blurred vision, progressive blindness on both eyes, excessive dryness of both eyes, excessive tearing when

bombarded with chemical weapon in boths eyes,extreme and painful pressure on both eyes,permenant deposit of toxic gas on both eyes creating dark spots and also caused chronic and accute vision problems, scars tissues in both eyes,ears, nose and mouth. Furthermore I suffered frontal and top scalp hematoma,facial bone fracture. Moreover, I suffered cerebral concussion that caused me to loose conciousness and left me unresponsive for many times during the attack.I now suffer accute skeletal muscles,bones and joints that is unresponsive to the current prescribed medications from prison. Once I am released from prison I will undergo plastic,elective, and reparatory sugeries.

34. On my neck, I sustained serious injuries when I was hit with the sword shield and when I was intentionally dropped on the ground as well as during the entire assault.As a result,I sutained neck injuries that include dislocation and derangement of cervical discs on ~~my~~ neck, herniation of cervical discs,bruises,lesion,abrasion scratches on my neck. I suffered permanant restriction of neck movements, air pressure build up on the top of my neck. all these on my neck are causing me extreme pain and suffering and require neck surgery once I am released from prison.

35. On my shoulders, I sustained one big open wound on left shoulder, strain and sprain on both of my shoulders,scars and permanant unpleasent marks , swollen,bruises,scratches,abrasion on both shoulders.As a direct result of these shoulders'injuries I struggle with severe should^{er} pain and suffering.

36. On my arms, I sustained strain and spain on both arms chemical burns,bruises,swollen,scratches, abrasions,lesions on both arms.I suffered dislocation of both wrists of my arms,various open wounds due to hand cuffs frictions on both arms,I sustained onpen wound on major and index fingers left arm.permanant damage to my two left ⁿfinger with severe restriction of movement on those fingers,permanant~~ly~~ lost of skin,blood vessels,nerve vessels on both fingers. these injuries on my arms caused me etreme pain and suffering.

37. On my back I sustained serious back injuries with vertebral discs dislocation, derangement,herniation,pressure build up,strain and sprain,spinal injuries. I also suffered chemical burn on my back skin,in addition to bruises,abrasion,lesions,swollen,stcratches, and skin irritation.the assault has traumatized my back ^{muscles} causing permemant back muscles damage. These back injuries caused me permanant debilitating back pain and back suffering. I will undergo back surgery once I am released from prison .

38 On my feet I sustained a big open wound on the back of my left leg. I sustained 10 other open wounds on my left leg and 6 open wounds on my right leg. I suffered serious injuries on both of ankles with a dislocation, derangement of my right ankle. In addition, I suffered chemical burns, strain and sprain on both of my foot. I sustained injuries on my toes, ankles, knees hips for both foot. moreover I sustained lacerations, lesions, bruise, scratches, swollen tenderness on both foot. These feet injuries require different surgeries including ankles, knees and hips surgeries. I also suffered hematoma in both foot. I will perform orthopedic, elective, reparative and plastic surgeries on my feet once I am released from prison.

39. On my genital I sustained severe internal testicular wounds on both testicles. I also suffered chemical burns on both of my testicles and on my penis in addition to scratches, swollen, abrasions, lesions and bruises.

D. PHYSIOLOGICAL INJURIES.

40. Paragraphs 31 through 39 above are incorporated as if fully set forth herein.

41. During and after the attack by Federal employees at MCC, I sustained a myriad of physiological issues in my body that were not there before the vicious attack. Among other issues, I developed allergy to certain fruit and vegetable including allergy to water melon, orange, tangerine, pineapple and romaine lettuce. these allergies are a direct result of being exposed to toxic gas when I was bombarded with harmful and toxic chemical. In addition, I suffered serious skin burn leading to skin pH imbalance with permanent hot flashes as if in menopause. I also developed permanent tingling on my finger and toes with extreme burning sensation. I also feel permanent burning sensation under my feet and under arms. I have developed nerves pain including sciatica, branchial, dorsals and pedals nerves pain. I now suffer acute and chronic headache, blood pressure, constant nausea and vomits. I struggle with the inability to focus on simple task like never before the attack. I battle scary and frightening nightmares every night due to the attack where I dream of correctional officers breaking into my cell and torture me to death. I have also developed a drop and panic attack and anxiety as well as other phobias.

G. PSYCHOLOGICAL INJURIES.

42. Paragraph 40. through 41 above are incorporated as if fully set forth herein.

43. In the attack I suffered extreme permanent and debilitating mental, emotional and psychological injuries. the injuries listed below are not exhaustive and the psychologist may diagnose me with many more other injuries caused by the attack at mcc. From the attack, I suffered extreme shock and extreme fright, permanent feeling of helplessness, and hoplessness. from the attack I developed severe fear of correctional officer, severe fear of correctional medical personnel, severe fear of prison psychologist. in addition, I sustained mental injuries and illness causing severe diminishment of my mental capacity I also experience chronic sadness, depression, anxiety, phobias, and I also suffer severe and extreme mental and psychological distress in addition to the extreme mental illness. Furthermore, I have, I am, and I will suffer extreme emotional distress and extreme psychological pain and suffering due the attack, assaults by federal employees. These psychological, mental and emotional injuries are and will require long term treatment by certified psychologists to help me cope with these myriade of mental illnesses.

VI. LEGAL BASIS FOR THE CLAIMS

44. Paragraph 1 through 43 above are incorporate as if fully set forth ~~in~~ *herein* *herein*

45. Claims in group 1 through 10 are actionable under the FEDERAL TORT CLAIM ACT which provides in relevant part of section 1346(b) that:

Subject to the provisions of chapter 171 of this title (28 USCS §§ 2671 et seq.), the district courts together with the United States District court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury, or death caused by the negligent or wrongful act or omission of any employees of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered wh

while in custody without a prior showing of physical injury or commission of sexual act (as defined in section 2246 of title 18).

Other relevant part of the FTCA are codified in section 2671-2680 of title 28.

As precibed by the FTCA, the Claims under group 1 through 10 are recognisable and action able under New Yort State Tort laws.

VII. CLAIMS FOR RELIEF

46. Paragraph 44 through 45 above are incorporated as if fully set forth herein.

47. Claims for relief below are grouped in category of claim with similar or close issues or counts

F. GROUP 1 CLAIMS

- count 1: Assault and Battery
- Count 2: Excessive use of force
- Count 3: Intentional, malicious, and wanton infliction of injuries.

48. Federal and New york State laws prohibit assault and battery ^{on} another person, federal and state laws also prohibit the use of excessive force by law enforcement pers onnel against the people that they are expected to protect by law. furthermore, Federal and state laws prohibit the intentional, malicious, and wanton infliction of pain and injuries for the very porpuse to cause harm to another person. On august 18, 2016, Lieu tenant Gonzalez and four correctional officers at the MCC prison assaulted, they battered me, they used excessive force against me, they intentionally, maliciously and wantonly in flicted me severe and serious physical, mental, emotional and pshychological injuries.

49. I was in a solitary confinement cell serving my disciplinary sanctions time ordered ^{by} the prison judge. While in solitary confinement, Lieutenant Gonzalez and four correction al officers entered my cell and committed the wrongful acts mentioned under group 1 claims, consisting of count 1 through 3. Lieutenant Gonzalez and the four correctional officers

were acting in their official capacities when they assaulted, battered and intentionally inflicted me severe mental, physical and psychological injuries.

50. Lieutenant Gonzalez and four correctional officers violated the laws that prohibit assault, battery and the intentional use of excessive force to maliciously and wantonly inflict injuries to another person. By violating the law, Lt Gonzalez and four correctional officers have, under color of Federal and New York state statutes, regulations, ordinances, customs or usage, deprived me the plaintiff of rights secured and guaranteed me by law, thus entitling me the plaintiff to remedy.

G. GROUP 2 CLAIMS.

- Count 4: Sexual assault
- Count 5: Abusive sexual contact
- Count 6: Aggravated sexual assault
- Count 7: Cover up and filing of false and fictitious report about a sexual assault

51. Federal and New York state laws prohibit sexual assault, abusive sexual contact, aggravated sexual assault and the cover up and filing false and fictitious report about a sexual assault. On August 18, 2016, I became a victim of a sexual assault and of all the acts listed under group 2 claims. These prohibited sexual acts were committed by correctional officer Saint John and Lt Gonzalez. Saint John sexually molested me when he initiated an abusive sexual contact with my genital. He committed an aggravated sexual assault when he squeezed and wounded my testicles. Lieutenant Gonzalez aided and abetted Saint John to sexually molest me. He also covered up and filed a false and fictitious report about the assaults. Gonzalez also misled the other investigator attempt to discover the facts causing them to falsely conclude that the sexual assault was unsubstantiated (see PREA report on record in BOP file). Officer Saint John and Lieutenant Gonzalez were acting in their official capacities when I was sexually molested by Saint John.

52. Correctional officer Saint John and Lieutenant Gonzalez violated the law that

prohibit sexual violence. By violating the laws prohibiting sexual violence, Lieutenant Gonzalez and correctional officer Saint John have, under color of Federal and New York State statutes, regulations, ordinances, customs and usage, deprived me the plaintiff of rights secured and guaranteed me by law thus, entitling me the plaintiff to remedy.

H. GROUP 3: CLAIMS

- Count 8: Deliberate indifference to serious medical needs.
- Count 9: Medical malpractice.
- Count 10: Medical negligence.

53. Federal and New York state laws prohibit the deliberate indifference to serious medical ^{needs} of a patient, medical malpractice and negligence. On August 18, 2016, after ^{was} I seriously and severely injured by correctional officers, I was taken to a medical room where Physician Assistant Chito Evangelista was deliberately indifferent to my serious my serious medical needs when he refused to examine and treat the injuries on my genital, back and on my neck. Chito Evangelista refused to give me pain killer despite the apparent fact that I was in extreme pain and suffering and I personally asked for pain killer medicines. Furthermore, Physician Assistant Chito Evangelista refused to write a report about the sexual assault despite the fact that I informed Chito Evangelista that I was being sexually molested by Saint John. ^{In} addition, Physician Assistant Chito Evangelista was negligent when he failed to follow up those injuries that he had access after the attack. the failure to follow up caused my injuries to rot and smell very bad and attracted roaches and mice that ^{further} ~~for~~ made me sick in the cell. Moreover, PA Chito Evangelista committed medical malpractice by failing ^{to} follow the New York State professional standard of care to be provide to patients.

54. PA Chito Evangelista was acting in his official capacity when he committed the wrongful acts listed under group 3 claims. PA Chito Evangelista violated the law by committing these wrongful acts. By violating the law, Chito Evangelista has, under color

of Fedral and New York State statutes,regulations,ordinances,or usage, deprived me the plaintiff of rights secured and guaranteed me by law thus entitling me the plaintiff the to remedy.

I. GROUP 4 CLAIMS

- Count 11 Breach of duty owned to plaintiff.
- Count 12 Breach of trust and failure to protect.

55. New York State and Federal laws imposed a duty to prison employees to care for inmates under the government custody. state and federal laws also required correctional officer to maintain the trust put in them and protect all inmates while they are incarcerated. During my detention at the MCC, the MCC staffs breached the duty to care and procted me. the staff at MCC also failed to live up to the trust put in them as Public servants.The warden E. Tatum, Assistant Warden Jane Doe, Lieutenant Gonzalez, OIC Scott and four correctional officers were acting in their official capacities when they committed the wrongful acts mentioned under Group 4 Claims. the above employees violated the the law by breaching a duty owned to me,by failing to protect me and by breaching the the Trust put in them by the public.

56. By violating the law, the Warden E. Tatum and his employees at The MCC have,under color of federal and New york state statutes, regulations,ordinaces,customs or usage, deprived me the plaintiff of rights secured and guaranteed me by law thus entitling me the plaintiff to remedy.

J. GROUP 5 CLAIMS

- Count 13: Use of dangerous and deadly weapons to cause harm.
- Count 14: Use of ice cold water to cause harm.
- Count 15: Attempt murder.

57. New York state and federal laws prohibit the use of deadly and dangerous weapons, and the use of ice cold water to cause harm to another person. In addition federal and state laws prohibit the wrongful act of attempt murder. On August 18, 2016, Lieutenant Gonzalez and four correctional officers used a fire arm, a steel bar and a chemical weapon to cause me severe and serious harms, they further used ice cold water to water board me in a shower room. In the course of causing me harm, these employees attempted to murder me. Lieutenant Gonzalez and the four correctional officers were acting in their official capacities when they committed the wrongful acts listed under group 5 claims.

58. Lieutenant Gonzalez and the four officers violated the laws prohibiting the wrongful act listed above. By violating the law, Lieutenant Gonzalez and the four correctional officers have, under color of federal and New York state statutes, regulations, ordinances, customs or usage, deprived me the plaintiff of rights secured and guaranteed me by law thus entitling me the plaintiff to remedy.

K. GROUP 6 CLAIMS

- Count 16: Abuse of process.
- Count 17: Abuse of authority

59. Federal and New York state laws prohibit the abuse of process and the abusive use of authority. From March 7, 2016 to August 5, 2017, the warden, assistant warden, OIC Scott, Lieutenant Gonzalez, unit team in 7 South unit and five, four correctional officers, and the psychologist Jane Doe and physician assistant Chito Evangelista abused the process and authority to cause harm and inflict me injuries. The employees mentioned here were acting in their official capacities when they abuse the process and authority.

60. These Federal employees violated the law by committing the wrongful acts listed under group 6 claims. By violating the law, these employees have, under color of federal and New York statutes, regulations, ordinances, customs or usage, deprived me the plaintiff of rights secured and guaranteed me by law thus entitling me the plaintiff to remedy.

L. GROUP 7 CLAIMS

- Count 18: Retaliation
- Count 19: Discrimination

61. Federal and New York state laws prohibit retaliation and discrimination against another person. From the time OIC Scott decided to take me to G-box because I accused him and his officers to the warden, to the time that I was assaulted by Lieutenant Gonzalez and four correctional officers, I suffered retaliation. I further suffered discrimination based on my national origin when Scott and Gonzalez treated me badly simply because I am from Africa where people run naked among other wild animals as stated by Gonzalez. Scott, Gonzalez and Assistant warden retaliated against me, while Scott and Gonzalez discriminated against me based on my national origin. Gonzalez and ~~were~~ Scott were acting in their official capacities when they committed the wrongful acts listed under group 7 claims. Gonzalez, Scott, AW Jane Doe violated the laws prohibiting discrimination and retaliation.

62. By violating the law Gonzalez, Scott and Jane Doe have, under color of federal and New York state statutes, regulations, ordinances, customs or usage, deprived me the plaintiff of rights secured and guaranteed me by law thus entitling me the plaintiff ^{To} ~~of~~ remedy.

M. GROUP 8 CLAIMS

- Count 20 conspiracy to interfere with civil rights.
- Count 21: Deprivation of rights under color of law.

Federal and New York state laws prohibit any conspiracy to interfere with civil rights of another person. These laws further prohibit the deprivation of rights under color of any law. During my time in detention at the MCC of New York, Warden E. Tatum, Assistant warden Jane Doe, Lieutenant Gonzalez, OIC Scott, Unit team 7 south and correctional off

pain and suffering, for the cost of all medical expenses including but not limited to the cost of medications for ten years, the cost of all needed surgeries, the cost of specialists and generalist consultations for ten years. the cost of all illnesses that derived directly from the attack, the cost of acute and chronic care for ten years and the cost psychologist, physician, psychiatrist consultations and treatment for ten years.

71. In addition plaintiff respectfully request that your Honor awards plaintiff other relief your Honor may deem just and proper including the cost of this action.

Q. DECLARATORY DECREE.

72. An actual controversy exist between the parties as to whether MCC/warden of the said prison's failure to preserve the video recording of the pre-installed cameras throughout the facility violated the equal access to justice and the Prison Rape Elimination Act commanding zero tolerance policy on sexual violence in prison. Because MCC claims to adhere to the PREA policy and even if PREA does ^{not} create a right that can be actionable in court of law, it nevertheless requires transparency in sexual allegation and impose a duty on prison to save the video recording of sexual violence so that legal action on sexual assault can be substantiated with video recording evidence. the actual controversy here is that MCC/warden concluded that my allegation of sexual assaults were unsubstantiated without looking at the very specific parts of the recording where I stated that the sexual assaults occurred. these specific parts of the recordings are located in the segment of the video recording when I dragged myself under the small desk in the cell and when Saint John grabbed my feet and up to when he inserted his hand under my boxer and before I was shackled. this specific section of the recording is only about 2 minutes in length. the other specific section of the video recording is that of the camera in the medical room when I was being tied on the table with chains, Saint John was standing between my feet and Gonzalez and Chito Evangelista were standing on my right side hand. the medical video recording showing this specific part when Saint John hit me is only about 5 minutes in length. because MCC intentionally let the video recordings be automatically ^{delete} by system knowing that I have initiated a legal action regarding the sexual assaults. It is axiomatic that if the pre-installed cameras had captured me sexual ^{ly} assaulting and assaulting and battering a correctional officer or any prison employee, such video recording would have been saved automatically to be used in a court of

law as evidence against me a private person. so too should the video recordings be saved in the same manner so that I may use it in a court of law against Saint John and Gonzalez. Because the recording were intentionally left to be delete by the automate system knowing that such Video were needed for the internal investigation and as evidence in the district court. The Warden and his employees at MCC have violated equal acces to video recording and so denied me acces to equal justice. WHEREFORE, I respect fully request that the court issues a DECLARATORY DECREE that:

- The warden and his employees intentionally spoliated cruxial evidence consisting of pre-instaled camera video recordings.
- such spoliation sole intent was to obstruct justice.
- The wardeⁿ_h and his employees violated the equal access to the public evidence under custody of the government
- The warden and his employees interfered with the proper administration of justice and further interfered with PREA investigation and misslead the investigator by failing hand held video recording that was made intentionally to misslead the public.
- The warden and his employees obstructed justice.

Court
This ~~court~~ has authority to grant declaratory relief pursuant to 28 USCS §§ 2201 and 2202.

R. INJUNCTIVE RELIEF.

73. Paragraph 72 above is incorporated as if fully set forth herein.

74. By vertue of MCC/Warden and his employees failure to preserve evidence of the second most violent crime known as sexual assault, and by virtue of violation of law that prohibit obstruction of justice, interference with an investigation, missleading the public, spoliation of the evidence, plaintiff has no other adequate remedy and so respectfully ask the court to enter an order barring and preventing the defendants from introducing into evidence the missleading han held

video camera recording made by staffs on the day of the attack, because the hand held camera recording does not show my injuries nor does it show the tortures that were inflicted to me. the hand held recording does not show when Saint John hit me on my testicles in the medical room. the hand held camera recording does not show when I dragged myself under the small desk in the cell where Saint John grabbed me by the feet and tried to pull me out from under the table and subsequently grabbed me by my testicles and injured my testicles. The only cameras that had recorded the entire incidents were the one pre installed throughout the facility. Wherefore, plaintiff respectfully request that the court issues an injunctive relief barring and preventing the defendant from introducing staffs' own made video recording into evidence because such recording was made with the sole intent to mislead the court and the public and will only show redundant part of the incidents that has nothing to do with my injuries.

IX. PRAYER FOR RELIEF

75. Paragraph 1 through 74 above are incorporated as if fully set forth herein.

76. Ngonzo andre marie the plaintiff- I pray that your HONOR finds for me the plaintiff for all group of claims and for all relief sought in this complaint.

X. CONCLUSION.

77. Paragraph 75 through 76 above are incorporated as if fully set forth herein.

78. As we have seen in the narrative of the incidents' section that is supported by the evidence that Federal employees intentionally inflicted me injuries and this can be prove with the medical record of the incidents which indicates that the injuries were in fact inflicted to me by prison staff. Federal employees at the MCC prison actually inflicted me severe and serious injuries. As a result of wrong doing of these Federal employees the United states becomes the proper defendant. Since I sustained many injuries that lead

to pain and suffering in the past and that will also lead to pain and suffering in the future, I claim a relief in compensatory money damages in the amount of \$5 500 000.00. The compensatory money damages when awarded by the court, will first send a strong message to prison employees who violate the law that no one is above the law. Second when awarded the money damages will deter employees from wrong doing and promote respect of the law among the employees who intentionally inflicted me injuries. Third when awarded the money damages will serve the best interest of justice because every person including a pretrial detainee has the right to free from the fear of being injured by law enforcement. every person also has the right to ~~be~~^{be} free from actual injuries inflicted by law enforcement personnel. It is clear that compensatory money damages is the only remedy available to plaintiffⁿ in this case since punitive damages cannot be awarded when the UNITED STATES is a defendant as in this case. WEREFORE, I respectfully ask the court to award the plaintiff \$5500000.00 and any other award the court may deem necessary, just and proper.

Respectfully submitted

NGONO ANDRE MARIE

PRO SE PLAINTIFF



Date: 02-09-2019

**METROPOLITAN CORRECTIONAL CENTER, NEW YORK
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATES**

INFORMAL RESOLUTION FORM (BP-8)

NOTE TO INMATE: With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP-229(13) (old BP-9), you **MUST** attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state **ONE** complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor: 8/31/17

INMATE'S COMMENTS:

1. Complaint: On 08/16/2016 around noon time, Lieutenant NGonzalez entered my maximum secured cell in the segregation housing unit (SHU) located on 9 South in M.C.C. Gonzalez inflicted me severe injuries on various body part including but not limited to my head, torso, legs, back and arms. Gonzalez also forced to strip his officer who sexually molested me in front of him and under the cameras (cell, medical office).
2. Efforts made by you to informally resolve: _____

3. Names of staff you contacted/Date you contacted the staff: _____

Date returned to Correctional Counselor: _____

NGonzalez 77264-054 8-31-17
Inmate's Name Register Number Date

CORRECTIONAL COUNSELOR'S COMMENTS:

1. Efforts made to informally resolve and staff contacted: _____

Date informally resolved: _____ Counselor Signature: _____

Date BP-229(13) Issued: _____

Unit Manager: _____

Administrative Remedy No. 891663-A1
Part B - Response


This is in response to your Central Office Administrative Remedy Appeal where you allege on August 18, 2016, staff members at MCC New York entered your cell and physically assaulted you, inflicting serious injuries to various body parts. You also claim the Lieutenant failed to stop an officer from sexually molesting you during this incident. You request compensation for injuries.

The Warden and Regional Director adequately addressed your allegations against staff. As indicated, a review by the After Action Committee found staff acted appropriately regarding this matter. In addition, no credible evidence was presented to support your claim of being sexually molested by staff nor do you provide any specific details regarding this alleged incident. We concur with the responses provided and find no further review is warranted.

As to your request for compensation, the Administrative Remedy Program does not ordinarily provide for monetary relief. Your request for monetary compensation should be pursued through the appropriate statutorily-mandated procedure to resolve this issue.

Accordingly, your appeal is denied.

6/14/17
Date



Ian Connors, Administrator
National Inmate Appeals *AME*

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: **Ngono, Andre**

Reg. No. **77244-054**

Administrative Remedy Id.: **891663-F1**

This is in response to your Request for Administrative Remedy dated January 31, 2017, wherein you allege that on August 18, 2016, staff entered your cell in the Special Housing Unit (SHU) and inflicted serious injuries to various body parts. You also allege that the Lieutenant failed to stop another staff member from sexually molesting you. Furthermore, you are requesting monetary compensation

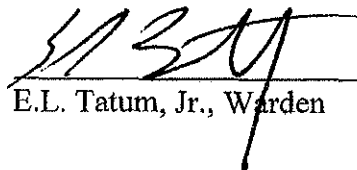
Please be advised that your claims of excessive force are untimely and will not be addressed in this response. However, your claims of sexual assault are not time barred and are addressed below.

A review of your allegation revealed that on August 18, 2016, at approximately 12:48 p.m., you were the subject of a Calculated Use of Force, which was captured on video. Upon completion of the Use of Force, an After Action Committee reviewed the incident to and found it to have been justified. In addition, the After Action Committee review did not identify any discrepancy indicating you were sexually molested as you claim.

Based on the above information, your request for relief is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

3/3/2017
Date


E.L. Tatum, Jr., Warden

NGONO, Andre

Reg. No. 77244-054

Appeal No. 891663-R2

Page One

Part B - Response

You appeal the response from the Warden at MCC New York regarding your claim you were assaulted by staff. You also allege staff would not provide you a pen or paper so you can report this incident. You request to this matter to be investigated.

A review of your appeal revealed the Warden adequately addressed your complaint, and correctly advised your allegations have been reviewed by the After Action Committee. All documentation and video evidence was also reviewed by the Northeast Regional Correctional Services Office. You failed to provide any additional information or evidence to this office to review this matter any further. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: April 27, 2017



M. D. CARVAJAL
Regional Director

Bureau of Prisons Health Services Clinical Encounter

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 05/03/2016 09:31

Sex: M Race: BLACK
Provider: Bussanich, A. MD/CD

Reg #: 77244-054
Facility: NYM
Unit: G06

Injury Assessment - Non-work related encounter performed at Health Services.

SUBJECTIVE:

INJURY 1 Provider: Bussanich, A. MD/CD

Date of Injury: 05/03/2016 08:30 Date Reported for Treatment: 05/03/2016 09:32

Work Related: No Work Assignment: UNASSG

Pain Location:

Pain Scale: 0

Pain Qualities:

Where Did Injury Happen (Be specific as to location):

HOUSING UNIT.

Cause of Injury (Inmate's Statement of how injury occurred):

"I TOLD HIM NOT TO SMOKE. HE GRABBED ME AND WE STARTED WRESTLING. I DID NOT HIT HIM AND HE DID NOT HIT ME. HE MISSED WITH HIS PUNCHES

Symptoms (as reported by inmate):

NONE EXCEPT FOR ANXIETY.

OBJECTIVE:

Temperature:

Date	Time	Fahrenheit	Celsius	Location	Provider
05/03/2016	09:34 NYM	98.1	36.7	Oral	Bussanich, A. MD/CD

Pulse:

Date	Time	Rate Per Minute	Location	Rhythm	Provider
05/03/2016	09:35	97	Via Machine	Regular	Bussanich, A. MD/CD
05/03/2016	09:35	87	Via Machine	Regular	Bussanich, A. MD/CD
05/03/2016	09:34	92	Via Machine	Regular	Bussanich, A. MD/CD

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
05/03/2016	09:35 NYM	163/116	Left Arm	Sitting	Adult-large	Bussanich, A. MD/CD
05/03/2016	09:35 NYM	148/113	Right Arm	Sitting	Adult-large	Bussanich, A. MD/CD
05/03/2016	09:34 NYM	150/105	Left Arm	Sitting	Adult-large	Bussanich, A. MD/CD

SaO2:

Date	Time	Value(%)	Air	Provider
05/03/2016	09:35 NYM	98	Room Air	Bussanich, A. MD/CD
05/03/2016	09:35 NYM	99	Room Air	Bussanich, A. MD/CD
05/03/2016	09:34 NYM	100	Room Air	Bussanich, A. MD/CD

Height:

Date	Time	Inches	Cm	Provider
05/03/2016	09:46 NYM	70.0	177.8	Bussanich, A. MD/CD

Weight:

Date	Time	Lbs	Kg	Waist Circum.	Provider
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Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 05/03/2016 09:31

Sex: M Race: BLACK
Provider: Bussanich, A. MD/CD

Reg #: 77244-054
Facility: NYM
Unit: G06

<u>Date</u>	<u>Time</u>	<u>Lbs</u>	<u>Kg</u>	<u>Waist Circum.</u>	<u>Provider</u>
05/03/2016	09:34 NYM	182.3	82.7		Bussanich, A. MD/CD

Exam:

General

Appearance

Yes: Appears Well

Nutrition

Yes: BMI reviewed (enter in comments)

Eyes

General

Yes: PERRLA, Extraocular Movements Intact

Fundus Exam

Yes: Grossly Normal Retina

Pulmonary

Auscultation

Yes: Clear to Auscultation

No: Rhonchi, Wheezing

Cardiovascular

Auscultation

Yes: Regular Rate and Rhythm (RRR), Normal S1 and S2

No: S3, S4

Neurologic

Cranial Nerves (CN)

Yes: Within Normal Limits

Exam Comments

BMI IS 26.2.

NO SKIN LESIONS OR ECCHYMOSIS

GRADE1-2/6 SYSTOLIC MURMUR LEFT STERNAL BORDER.

UROGENITAL AREA VIA VISUAL INSPECTION REVEALED NO LESIONS.

ASSESSMENT:

Other place in prison as place of injury/occurrence, Y92148 - Current

PLAN:

Disposition:

Follow-up at Sick Call as Needed

Return Immediately if Condition Worsens

Return To Sick Call if Not Improved

Other:

WE DISCUSSED AT LENGTH HIS ELEVATED BP. HE IS NOT WILLING TO START ANTIHYPERTENSIVES. CCC DONE CONTEMPORANEOUSLY. NOTE TO FOLLOW.

Patient Education Topics:

Date Initiated Format

05/03/2016 Counseling

Handout/Topic

Plan of Care

Provider

Bussanich, A.

Outcome

Verbalizes
Understanding

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 05/03/2016 09:31

Sex: M Race: BLACK
Provider: Bussanich, A. MD/CD

Reg #: 77244-054
Facility: NYM
Unit: G06

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Bussanich, A. MD/CD on 05/03/2016 10:00

Bureau of Prisons Health Services Clinical Encounter

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 07/01/2016 10:15

Sex: M Race: BLACK
Provider: Beaudouin, Robert MD

Reg #: 77244-054
Facility: NYM
Unit: G07

Injury Assessment - Non-work related encounter performed at Health Services.

SUBJECTIVE:

INJURY 1 Provider: Beaudouin, Robert MD

Date of Injury: 07/01/2016 07:30 Date Reported for Treatment: 07/01/2016 10:14

Work Related: No Work Assignment: UNASSG

Pain Location:

Pain Scale: 0

Pain Qualities:

Where Did Injury Happen (Be specific as to location):

7 SOUTH, RECREATION CAGE.

Cause of Injury (Inmate's Statement of how injury occurred):

HE, A YOUNG INMATE, PUNCHED ME ON THE LEFT FOREHEAD. HE HIT ME FIRST. I TOLD HIM NOT TO CHANGE THE TV CHANNEL I WAS WATCHING. WE HAD A FISTFIGHT OVER THAT.

Symptoms (as reported by inmate):

I DO NOT HAVE A HEADACHE. I AM NOT DIZZY. MY VISION IS FINE. I AM FINE. I DO NOT HAVE ANY INJURIES.

OBJECTIVE:

Pulse:

Date	Time	Rate Per Minute	Location	Rhythm	Provider
07/01/2016	10:18	125	Via Machine		Beaudouin, Robert MD

Respirations:

Date	Time	Rate Per Minute	Provider
07/01/2016	10:18 NYM	14	Beaudouin, Robert MD

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
07/01/2016	10:18 NYM	137/91	Left Arm	Standing		Beaudouin, Robert MD

SaO2:

Date	Time	Value(%)	Air	Provider
07/01/2016	10:18 NYM	98	Room Air	Beaudouin, Robert MD

Exam:

General

Affect

Yes: Cooperative, Irritable

Appearance

Yes: Appears Well, Appears Distressed, Alert and Oriented x 3

No: Dyspneic, Appears in Pain, Writhing in Pain, Pale, Diaphoretic

Head

General

No: Battle's Sign, Raccoon Eyes

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 07/01/2016 10:15

Sex: M Race: BLACK
Provider: Beaudouin, Robert MD

Reg #: 77244-054
Facility: NYM
Unit: G07

Exam:

Temporal Mandibular Joint

No: Swelling, Inflammation, Tenderness, Non-tender on Palpation, Trauma, Uneven Bite

Eyes

General

Yes: PERRLA, Extraocular Movements Intact

Conjunctiva and Sclera

No: Subconjunctival Hemorrhage

Ears

External Ear

Yes: Within Normal Limits

Nose

General

No: Deformity

Face

General

No: Ecchymosis, Periorbital Edema, Deformity

Sinus/Maxilla

Yes: Within Normal Limits

Mandible

Yes: Normal Range of Motion

No: Swelling, Deformity

Lips

General

Yes: Within Normal Limits

Mouth

General

Yes: Within Normal Limits

Teeth

No: Fractured Tooth/Teeth, Avulsion

Tongue

Yes: Within Normal Limits

Musculoskeletal

Wrist/Hand/Fingers

Yes: Normal Bony Landmarks

Gait

Yes: Normal Gait

Neurologic

Cranial Nerves (CN)

Yes: Within Normal Limits

Motor System-General

Yes: Normal Exam

Exam Comments

HEAD: + MILD EDEMATOUS AND TENDER AREA OF ABOUT 2X 2 CM ON LEFT FOREHEAD, OTHERWISE ATRAUMATIC.

LEFT KNEE -LATERAL ASPECT: + 0.3 X 0.2 CM SUPERFICIAL ABRASION.

RIGHT KNEE- MEDIAL ASPECT : + 0.3 X 0.3 CM SUPERFICIAL ABRASION.

SKIN EXAM IS OTHERWISE INTACT.

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 07/01/2016 10:15

Sex: M Race: BLACK
Provider: Beaudouin, Robert MD

Reg #: 77244-054
Facility: NYM
Unit: G07

ASSESSMENT:

Other disorder of the skin and subcutaneous tissue, L988 - Current

PLAN:

New Radiology Request Orders:

<u>Details</u>	<u>Frequency</u>	<u>End Date</u>	<u>Due Date</u>	<u>Priority</u>
General Radiology-Skull-General	One Time		07/05/2016	Routine

Specific reason(s) for request (Complaints and findings):

44 YR OLD MALE WITH MILD SWELLING OVER LEFT FOREHEAD FROM BEING PUNCHED IN A FIGHT WITH ANOTHER INMATE. PLEASE PERFORM SKULL XRAY.

Disposition:

Follow-up at Sick Call as Needed

Other:

SKIN ABRASION WAS CLEANED WITH WATER AND BETADINE.

PT'S TDaP VACCINATION IS CURRENT.

PT'S PULSE WAS ELEVATED POST ALTERCATION.

PATIENT ADVISED TO INFORM HSU VIA THE UNIT OFFICER OR WHEN THE MLP DOES SHU ROUNDS IF HE DEVELOPS HEADACHE, DIZZINESS, DIPLOPIA, FACIAL PAIN, OR ANY NEW SYMPTOMS.

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
07/01/2016	Counseling	Diagnosis	Beaudouin, Robert	Verbalizes Understanding
07/01/2016	Counseling	Safety/Injury Prevention	Beaudouin, Robert	Verbalizes Understanding

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Beaudouin, Robert MD on 07/01/2016 10:47

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 07/20/2016 10:00

Sex: M Race: BLACK
Provider: Joaquin, Y. MLP

Reg #: 77244-054
Facility: NYM
Unit: Z03

Injury Assessment - Non-work related encounter performed at Special Housing Unit.

SUBJECTIVE:

INJURY 1 **Provider:** Joaquin, Y. MLP

Date of Injury: 07/20/2016 09:46 **Date Reported for Treatment:** 07/20/2016 10:10

Work Related: No **Work Assignment:** UNASSG

Pain Location: Knee-Left

Pain Scale: 5

Pain Qualities: Dull

Where Did Injury Happen (Be specific as to location):

Special housing unit Holding cell

Cause of Injury (Inmate's Statement of how injury occurred):

Inmate was combative and angry. Stated "I have an injury".

Symptoms (as reported by inmate):

Left knee pain.

OBJECTIVE:

Temperature:

<u>Date</u>	<u>Time</u>	<u>Fahrenheit</u>	<u>Celsius</u>	<u>Location</u>	<u>Provider</u>
07/20/2016	10:31 NYM	97.2	36.2	Oral	Joaquin, Y. MLP

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
07/20/2016	10:31	103	Via Machine	Regular	Joaquin, Y. MLP

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
07/20/2016	10:31 NYM	146/96	Right Arm	Sitting	Adult-regular	Joaquin, Y. MLP

SaO2:

<u>Date</u>	<u>Time</u>	<u>Value(%)</u>	<u>Air</u>	<u>Provider</u>
07/20/2016	10:31 NYM	100	Room Air	Joaquin, Y. MLP

Exam:

General

Affect

Yes: Cooperative, Irritable

Exam Comments

Inmate was on the floor in the holding cell secured by staff. Questioned inmate Ngono about injuries He stated "I have an injury. He was combative, angry and trying to get up from the floor.

Later on inmate became cooperative and allow medical assessment for injuries.

He has a bruise/abrasion on left knee. No deformities, no tenderness to the palpation. no lacerations, no hematomas.

Inmate has good range of motion on his left knee. Ambulates without any difficulties.

Area cleaned with sterile saline solution and betadine. Sterile large Band-Aid applied.

ASSESSMENT:

Superficial injury of knee, S80919S - Current

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 07/20/2016 10:00

Sex: M Race: BLACK
Provider: Joaquin, Y. MLP

Reg #: 77244-054
Facility: NYM
Unit: Z03

PLAN:

New Medication Orders:

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
	Ibuprofen Tablet	07/20/2016 10:00	600 mg Orally - three times a day x 3 day(s) -- As needed for left knee pain. Take it with food.

Indication: Superficial injury of knee

Disposition:

Follow-up at Sick Call as Needed

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
07/20/2016	Counseling	Access to Care	Joaquin, Y.	Verbalizes Understanding
07/20/2016	Counseling	Hand & Respiratory Hygiene	Joaquin, Y.	Verbalizes Understanding

Copay Required: No

Cosign Required: Yes

Telephone/Verbal Order: No

Completed by Joaquin, Y. MLP on 07/20/2016 10:47
Requested to be cosigned by Beaudouin, Robert MD.
Cosign documentation will be displayed on the following page.

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 08/18/2016 13:47

Sex: M Race: BLACK
Provider: Evangelista, C. MLP

Reg #: 77244-054
Facility: NYM
Unit: Z03

Injury Assessment - Non-work related encounter performed at Health Services.

SUBJECTIVE:

INJURY 1 **Provider:** Evangelista, C. MLP

Date of Injury: 08/18/2016 12:45 **Date Reported for Treatment:** 08/18/2016 13:47

Work Related: No **Work Assignment:** UNASSG

Pain Location:

Pain Scale: 0

Pain Qualities:

Where Did Injury Happen (Be specific as to location):

SHU- K tier

Cause of Injury (Inmate's Statement of how injury occurred):

Inmate was put in forced cell move for not following orders and refusing to be cuffed. OC was sprayed.

Symptoms (as reported by inmate):

Inmate combative and screaming in the process. Tearing with no noted breathing problem after OC was sprayed. Abrasion noted on right foot and left leg. AT this time no other injuries to Inmate was noted.

OBJECTIVE:

Pulse:

Date	Time	Rate Per Minute	Location	Rhythm	Provider
08/18/2016	13:56	92			Evangelista, C. MLP

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
08/18/2016	13:56 NYM	158/88				Evangelista, C. MLP

Exam Comments

Inmate combative, screaming and refused to cooperate. OC was sprayed and decontaminated in the shower. Tearing and nasal mucosa cleaned on face. Abrasion noted on dorsal portion of right foot (1-2cm) and left leg (2-3 cm), cleaned with antiseptic. Vitals done, no noted breathing problem. Inmate was seen a few minutes after the move to give his medications, where inmate was washing himself in his cell and flooding the floor still angry. Will follow up for any further complaints.

ASSESSMENT:

Injury, unspecified, T1490 - Current

PLAN:

Disposition:

Follow-up at Sick Call as Needed
Follow-up in 12-24 Hours

Patient Education Topics:

Date Initiated	Format	Handout/Topic	Provider	Outcome
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Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 08/18/2016 13:47

Sex: M Race: BLACK
Provider: Evangelista, C. MLP

Reg #: 77244-054
Facility: NYM
Unit: Z03

Date Initiated Format
08/18/2016 Counseling

Handout/Topic
Access to Care

Provider
Evangelista, C.

Outcome
Verbalizes
Understanding

Copay Required: No

Cosign Required: Yes

Telephone/Verbal Order: No

Completed by Evangelista, C. MLP on 08/18/2016 14:06

Requested to be cosigned by Bussanich, A. MD/CD.

Cosign documentation will be displayed on the following page.

See Amendment

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	NGONO, ANDRE	Sex:	M	Reg #:	77244-054
Date of Birth:	03/24/1972	Provider:	Evangelista, C. MLP	Race:	BLACK
Encounter Date:	08/18/2016 13:47			Facility:	NYM

Cosigned by Bussanich, A. MD/CD on 08/18/2016 16:13.

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 08/18/2016 13:47

Sex: M Race: BLACK
Provider: Evangelista, C. MLP

Reg #: 77244-054
Facility: NYM
Unit: Z03

Injury Assessment - Non-work related encounter performed at Health Services.

SUBJECTIVE:

INJURY 1 **Provider:** Evangelista, C. MLP

Date of Injury: 08/18/2016 12:45 **Date Reported for Treatment:** 08/18/2016 13:47

Work Related: No **Work Assignment:** UNASSG

Pain Location:

Pain Scale: 0

Pain Qualities:

Where Did Injury Happen (be specific as to location):

SHU- K tier

Cause of Injury (Inmate's Statement of how injury occurred):

Inmate was put in forced cell move for not following orders and refusing to be cuffed. OC was sprayed.

Symptoms (as reported by inmate):

Inmate combative and screaming in the process. Tearing with no noted breathing problem after OC was sprayed. Abrasion noted on right foot and left leg. AT this time no other injuries to Inmate was noted.

OBJECTIVE:

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
08/18/2016	13:56	92			Evangelista, C. MLP

Blood Pressure:

<u>Date</u>	<u>Time</u>	<u>Value</u>	<u>Location</u>	<u>Position</u>	<u>Cuff Size</u>	<u>Provider</u>
08/18/2016	13:56	NYM 158/88				Evangelista, C. MLP

Exam Comments

Inmate combative, screaming and refused to cooperate. OC was sprayed and decontaminated in the shower. Tearing and nasal mucosa cleaned on face. Abrasion noted on dorsal portion of right foot(1-2cm) and left leg (2-3 cm), cleaned with antiseptic. Vitals done, no noted breathing problem. Inmate was seen a few minutes after the move to give his medications, where inmate was washing himself in his cell and flooding the floor still angry. Will follow up for any further complaints.

ASSESSMENT:

Injury, unspecified, T1490 - Current

PLAN:

Disposition:

Follow-up at Sick Call as Needed
Follow-up in 12-24 Hours

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
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Inmate Name: NGONO, ANDRE
Date of Birth: 03/24/1972
Encounter Date: 08/18/2016 13:47

Sex: M Race: BLACK
Provider: Evangelista, C. MLP

Reg #: 77244-054
Facility: NYM
Unit: Z03

Date Initiated Format
08/18/2016 Counseling

Handout/Topic
Access to Care

Provider
Evangelista, C.

Outcome
Verbalizes
Understanding

Copay Required: No

Cosign Required: Yes

Telephone/Verbal Order: No

Completed by Evangelista, C. MLP on 08/18/2016 14:06

Requested to be cosigned by Bussanich, A. MD/CD.

Cosign documentation will be displayed on the following page.

See Amendment

**Bureau of Prisons
Health Services
Cosign/Review**

Inmate Name:	NGONO, ANDRE	Reg #:	77244-054
Date of Birth:	03/24/1972	Sex:	M
Encounter Date:	08/18/2016 15:32	Provider:	Evangelista, C. MLP
		Race:	BLACK
		Facility:	NYM

Cosigned by Bussanich, A. MD/CD on 08/18/2016 16:14.

**Bureau of Prisons
Psychology Services
SHU Review**

SENSITIVE BUT UNCLASSIFIED

Inmate Name: NGONO, ANDRE		Reg #: 77244-054
Date of Birth: 03/24/1972	Sex: M	Facility: NYM
Date: 08/18/2016 07:58	Provider: Schlessinger, K. PsyD/PhD	Unit Team: 7

Placed in SHU: 07/01/2016	Type: SHU
Status: ADMIN.DETENTION	Threat to Self: Low
Basis of Review: Inmate was interviewed	Adjustment: Satisfactory, segregation not detrimental
Mental Status: No significant mental health issues.	Threat to Others: Low

Comments

Monthly SHU Review Note

Note: This SHU review is a brief evaluation of this inmate's current mental status in SHU. Although an inmate may exhibit adequate adjustment to his SHU confinement and a lack of acute distress at this current time, it does not preclude the fact s/he may suffer from a psychological disorder requiring additional psychological services. This SHU review is also not a risk assessment of an inmate's potential for violent behaviors. Rather, it is an assessment of whether the inmate exhibits any aggressive or violent behaviors at the time of the SHU review.

Subjective/Objective data: Inmate displayed no evidence of depression or suicidality and appeared to be adequately adjusting to SHU placement. This adjustment was determined by clinical presentation, his self report and Unit personnel statements.

Assessment/Plan: Inmate is currently psychologically stable. He has been instructed to contact Psychology Department staff for support should he request, or be in need of mental health services. Unit staff are aware of the referral process. Inmate will be seen on an as needed basis or monthly for SHU reviews.

Completed by Schlessinger, K. PsyD/PhD on 08/18/2016 09:27

**Bureau of Prisons
Psychology Services
Disruptive Behavior Intervention**

SENSITIVE BUT UNCLASSIFIED

Inmate Name: NGONO, ANDRE	Sex: M	Facility: NYM	Reg #: 77244-054
Date of Birth: 03/24/1972	Provider: Imeri, Darlene PsyD		Unit Team: 7
Date: 08/18/2016 13:36			

Comments

This writer was contacted at about 12:10 PM to engage in confrontation avoidance with Mr. Ngonono to have him submit to restraints for a cell rotation. When this writer initially saw Mr. Ngonono, he uncovered his window on the cell door and asked this writer what type of Psychology does this writer practice. He stated the only type that works in prison is Skinner. He stated behavioral interventions only work. He stated he is not going to come out of his cell and will have to be forced. He stated that he is ready for staff and showed this writer the soapy water on the cell floor. He said he will hurt staff if they hurt him. He stated he was forced to come to prison and they will have to force him to leave his cell.

He did not want to answer psychological history questions. His PSIQ that he completed on 3/07/16 was reviewed and he denied any mental health history, any past suicidal thoughts or attempts, and any substance abuse. His BEMR intake when he first arrived was also reviewed and during that interview he denied any mental health history and any past suicide attempts.

Current Mental Status: When being interviewed by this writer he was pleasant and exhibited a neutral mood with a mildly restricted range of affect. His speech was logical and coherent, with no loosening of associations or tangential, circumstantial or irrelevant speech. Auditory and visual hallucinations were not reported, and delusions were not elicited. He denied current suicidal ideation. He was future oriented. He does not appear to be an immediate danger to self. He denied thoughts of hurting others unless someone hurts him.

During confrontation avoidance at about 12:48 PM, he acknowledged this writer and stated he already had a conversation with this writer. He did not uncover the window on his cell door this time and he refused to submit to restraints for the cell rotation. Confrontation Avoidance was unsuccessful.

During the use of force, Mr. Ngonono was combative, was screaming, and was refusing to cooperate.

He was educated about both routine and emergency procedures for contacting Psychology staff. No follow up is needed at this time. However, he was encouraged to self-refer to Psychology if needed. If he remains in SHU, he will be seen by Psychology in SHU Rounds and in SHU Reviews.

Completed by Imeri, Darlene PsyD on 08/18/2016 15:51

**Bureau of Prisons
Psychology Services
Disruptive Behavior Intervention**

****SENSITIVE BUT UNCLASSIFIED****

Inmate Name: NGONO, ANDRE	Sex: M	Facility: NYM	Reg #: 77244-054
Date of Birth: 03/24/1972	Provider: Imeri, Darlene PsyD		Unit Team: 7
Date: 08/19/2016 07:53			

Comments

(Note from 8/18/16)

This note was entered as a referral yesterday, but should have been entered as a "Disruptive Behavior Intervention" note.

This writer was contacted at about 3:00 PM on 8/18/16 to again engage in confrontation avoidance with Mr. Ngono to have him submit to restraints to be taken out of his cell. When this writer saw Mr. Ngono, he stated that we already had a conversation earlier and that he did not ask for Psychology. He again stated he is not going to come out of his cell and will have to be forced. When asked if he was trying to get himself hurt, he stated he was not. During the interview when asked about his case, he stated he has not done his Pre-Sentence Investigation yet, but stated he may be sentenced to 10 to 20 years in prison. He stated he is self-sufficient.

He was pleasant and respectful toward this writer but he said he is not going to submit to restraints. He stated to tell them to come and get him. A few minutes later SHU Officer Scott spoke to Mr. Ngono and Mr. Ngono agreed to submit to restraints to see Medical.

Current Mental Status: He was pleasant and smiled during the interview. He exhibited a neutral mood with a full range of affect. His speech was logical and coherent, with no loosening of associations or tangential, circumstantial or irrelevant speech. Auditory and visual hallucinations were not reported, and delusions were not elicited. He denied current suicidal ideation. He was future oriented. He does not appear to be an immediate danger to self. He denied thoughts of hurting others unless someone hurts him

He was again educated about both routine and emergency procedures for contacting Psychology staff. No follow up is needed at this time. However, he was encouraged to self-refer to Psychology if needed. If he remains in SHU, he will be seen by Psychology in SHU Rounds and in SHU Reviews.

Completed by Imeri, Darlene PsyD on 08/19/2016 08:36

**Bureau of Prisons
Psychology Services
Sexual Abuse Intervention**

****SENSITIVE BUT UNCLASSIFIED****

Inmate Name: NGONO, ANDRE	Sex: M	Reg #: 77244-054
Date of Birth: 03/24/1972	Facility: BRO	Unit Team: G
Date: 09/06/2017 11:45	Provider: McCabe, Joseph PhD	

Comments

As per Program Statement 5324.12 and the Institutional Supplement on Sexually Abusive Behavior Prevention and Intervention, all allegations of Sexual Abuse/Assault will be promptly and effectively reported and investigated.

Date/Time of Incident: 08/21/2016 (approximately)

Date/Time Psychology Aware: 09/06/2017 at approximately 0830

Date/Time of Intervention: 09/06/2017 at approximately 930

Inmate NGONO is a 45 year old African American male on Holdover status.

During today's interview, inmate NGONO reported the following:

Approximately one year ago while incarcerated at MCC Manhattan, inmate NGONO reported that he was the victim of sexual assault by staff. Per his report, he was celled with an inmate who was smoking K2 which resulted in a physical altercation as inmate NGONO did not approve of smoking in his cell. While in SHU, inmate NGONO did not perceive that his "minimum care" needs were being met. He reported engaging in a verbal altercation with one staff member. At this point inmate NGONO reported that he became non-compliant with staff requests "until my needs were met." On approximately 08/21/2016, he was ordered to submit to restraints which he refused. A DCT team was used to extract him from the cell and while inmate NGONO was holding on the frame of the desk, he alleges that an officer reached into his boxers and grabbed his testicles until he released his grip of the frame. Inmate NGONO reported experiencing testicular pain for which he states he was brought to health services. He reported later submitting a BP-8 and stated that his complaint has been forwarded to "Washington D.C. office for investigation."

Inmate NGONO was offered victim advocacy services. He stated that he was not interested in an external or internal victim advocate at this time. He was provided with the phone number for the toll-free national sexual assault hotline. He was offered individual counseling through Psychology Services but declined the need for services at this time. He was informed of ways to seek assistance if need and agreed to do so if matters changed for him.

Inmate NGONO denied having safety concerns during this interview. His mental status was examined and was determined to be nominal at the time of this interview. He denied any suicidal or homicidal ideation at this time. He will continue to be seen in accordance with Psychology Service's policy.

Findings/Recommendation:

1. At the time of this report inmate denies imminent risk of sexual assault or physical harm.
2. Notifications have been made to Operations Lieutenant.
3. Psychology Services follow-up was not requested nor is required at this time. He was advised how to request additional services as needed/desired both during standard and off-duty working hours.
4. For the next 90 days, or longer if deemed necessary, the inmate will be monitored to ensure there is no retaliation.

Completed by McCabe, Joseph PhD on 09/06/2017 11:51

Reviewed by Segal, Michael PsyD/Chief Psychologist on 09/12/2017 09:08

**Bureau of Prisons
Psychology Services
Intake Screening**

SENSITIVE BUT UNCLASSIFIED

Inmate Name: NGONO, ANDRE		Reg #: 77244-054
Date of Birth: 03/24/1972	Sex: M Facility: BRO	Unit Team: G
Date: 09/06/2017 11:50	Provider: McCabe, Joseph PhD	

Limits of Confidentiality

Limits of confidentiality were reviewed with inmate NGONO. He expressed an understanding of the limits of confidentiality and consented to be interviewed accordingly.

Data Source(s)

The following data sources were reviewed in conjunction with this Initial Intake Evaluation: Self-Report, SENTRY, Other.
Inmate NGONO was seen after indicating that he had been a victim of sexual assault while incarcerated.

Mental Health History and Current Symptoms

No history of mental health issues was noted.
No history of prior mental health treatment was noted.
No current mental health symptoms were noted.
No suicidal ideation, attempts, or self-harm were noted.

Substance Abuse

No history of substance abuse was noted.
No history of substance abuse treatment was noted.

Sex Offenses

No sexual offense convictions were noted.
No history of sexual predation in a correctional setting was noted.

Relevant Psychosocial History

Noteworthy psychosocial issues: History of Sexual Victimization.
Inmate NGONO reported that he was the victim of sexual assault while incarcerated at a prior facility. Per his report, an officer grabbed his testicles during a cell extraction while he was housed in SHU. Please refer to his sexual abuse intervention note dated 09/06/2017 for further details.

Adjustment to Incarceration

No adjustment to incarceration concerns.

Findings

Care Level: CARE1-MH
Inmate NGONO's current mental health care level will be Care1-MH. He does not exhibit any current symptoms that would require an assignment of Care2-MH. This care level may always be re-examined at any time. He will continue to be seen, at a minimum, in accordance with the Treatment and Care of Inmates with Mental Illness policy. He was advised how to contact Psychology Services should he require assistance in the future.

Recommendations

The following psychological services are recommended: Follow-Up Appointment.
Inmate NGONO was offered the toll free phone number to the national sexual assault hotline and follow-up from Psychology Services to address his reported history of sexual victimization while incarcerated. He declined this recommendation at the time of this intake screening. He was informed how to contact the psychology department should he require services at a later point in time.

Completed by McCabe, Joseph PhD on 09/06/2017 11:57

Reviewed by Segal, Michael PsyD/Chief Psychologist on 09/11/2017 14:54